App. F. IX-4

1930. (Inam)

File No. 135-30

Serial Nos. 1-5

Previous References

Inam 126-25 1-3

342-29-1,3-5

Later References

Inam 135-30-647

Inam 197-31-1,3-

Miscellaneous 96-32

General and Revenue Secretariat.

Serial Nos. 5

Part B for March 1931

SUBJECT.

Acquisition of S No. 49 of Becharak Venkatapur for construction of dwelling houses to the temple servants of Sri Guttahalli Venkataramana Swamy temple

---

No. 1933 Cafe S
6.3.31

To the Comptroller, Mysore Gazette

Notified in the Gazette

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

Dated, Kolar, the 4th September 192

A. V RAMANATHAN, ESQ., B.A.,
Deputy Commissioner,
Kolar District.

To
Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of Mysore,
Financial *Department,*
Bangalore.

Through
The Muzrai Commissioner in Mysore, BANGALORE.

Subject:—Acquisition—S. No. 49 of Becharak Venkatapur village Bowringpet Taluk—for construction of dwelling houses to the temple servants of Sri Guttahalli Venkataramanaswami ~~temple~~ temple.

SIR

I have the honour to forward herewith correspondence ending with Kolar Sub-Division Officer's Memo report No. R5-C.902/28-29 dated 20-8-1930 together with its enclosures and to state that, for reasons set forth in the report of the Amildar, Bowringpet No. L.A.44/27-29 dated 25-5-1929 enclosed in the records, acquisition of the property recommended therein is necessary for purposes of of constructing dwelling houses.

2. In the circumstances, I request you to be so good as to cause the preliminary notifications enclosed in the records, to be published in the *Mysore Gazette*, authorising the ~~Kxoxka~~ Kolar Sub-Division Officer to hear objections, if any, preferred aginst the ---- contemplated acquisition, from persons interested in the property. The Compiler, *Mysore Gazette*, may also be kindly requested to send ~~fifty~~ ten spare copies of the notification in Kannada to the Kolar Sub-Division Officer direct, for giving wide publicity to the proposed acquisition, in the locality concerned.

3. The cost of acquisition which is estimated at Rs. 200/- is proposed to be met out of funds of the temple which is a major institution.

with compliments requested for being sent there the Muzrai Commissioner in Mysore - By Order V Brahmanayasastri For Pl. see to [illegible] 9.9.30

I have the honour to be,
Sir,
Your most obedient servant,

Treasury Asstt Commr
for *Deputy Commissioner,*
Kolar District.

Absent from Station

WD 1740—DPB—1000—4-12-29.

11 10 Pl 173 Elphinstone

30031

forwarded with Compliments to the Municipal Commissioner in Mysore Bangalore.

Asst to Deputy Commissioner
10/9/30

452 Put file
30.9.30
Received

Forwarded with Compliments to the Secretary to Government, Financial Department with the request that the preliminary notification under the Land Acquisition Act in the case in question for constructing dwelling houses for the temple servants is necessary.

Bangalore
18/9/30

Special Deputy Commissioner
Mysore
20/9/30

3776
3.1

It is for orders whether the construction of dwelling houses for temple servants can be considered as a public purpose to bring the case within the purview of S. 4(1) of the Land Acquisition Act.

Submitted
G 30/9

H Secy: Is the receipt in regard to Govt grant?
18/10 1.10.30
21.10.30

General and Revenue Secretariat | M 112 File No. | of 193

Serial No. 7

From the register of ready money drawn maintained in the branch it is found that in particular Temple is in receipt of a permanent grant of Rs 17/8 —

A 1788 (Ref :— orders at para 6)
22/10

8) Whether in the circumstances the proposed acquisition of land for building quarters to temple servants will justify proceedings being taken under the L. A. Regn may kindly be noted.

Asstt to L. R. with compltd

VS
25.10.30

(a) Two conditions are necessary to be satisfied before any land can be legally acquired under the Land Acqn Regn.
They are 1) the acquisition must be for a 'public purpose'
& 2) the compensation to be awarded must be paid ~~out~~ by
a) a company
or (a) wholly or partly out of public revenues or some fund controlled or managed by a local authority —

Note —Contn. Sheet

WD 02328— GPB—10,000—22-4-30

Serial No.

(b) There is no definition of the words public purpose" in any of the legislative enactments to afford a clue to the meaning of the term, save that in the Land Acqn Regulation Sec 3 cl(f) but it is a partially inclusive and not an exhaustive definition The Government however is constituted the sole authority for deciding this question Since Sec 6 cl(3) of the Regn makes the declaration of Govt in this matter, conclusive evidence of the fact that the land is needed for a public purpose.

(c) To constitute a public purpose in taking land, it is not necessary that the land when taken should be made available to the public at large. (39 Bom 279 P.C). "Public" as defined in the General Clauses Regulation includes 'any class of the public or any Community" - It is not therefore difficult to argue that the erection of houses for the temple servants is a public purpose. In 39 Bom 279 it was held that the erection of residential quarters at moderate rentals for Govt officers in a crowded city, is a public purpose. The building

General and Revenue Secretariat — File No. 125 of 1930.

Serial No.

of quarters for Municipal servants has been held to be a public purpose in 1925 Bombay 538, and in 49 Mad 237, the acquisition of lands by Govt for the purpose of providing house sites for the Panchamas has been construed to be such a purpose.

(d) In all the cases quoted above however, there was no dispute as to the second condition necessary to be satisfied for a valid acquisition. The compensation was paid wholly or partly out of public revenues or some fund controlled or managed by a local authority

(e) In this case, it is no doubt true that the temple is a Muzarai Institution in receipt of a permanent Cash grant from Govt, and that in Mysore under Reg VIII of 1927, the Chief Controlling authority in the case of all Muzarai institutions is the Government. But ~~the income of the temple~~ as has been well expressed in G.O. No. 4510-21-Muz 41-1898 dated 7th April 1906, "The Muzarai institutions are legal persons capable of holding property, and are distinct from Govt. The mere facts that some land or money grants have been made by Govt towards the object of the institutions or that the institutions themselves & their properties are in the management of Government

NOTE- Contn Sheet

WD 02553—50,000—GPB—8-7

-Cannot make any difference in their character as legal persons enjoying an existence separate from Government." It cannot therefore be said that the revenues of these institutions are "public revenues"; for the latter expression usually denotes "the profits or the fiscal prerogatives of the Crown". ~~Therefore the Compensation for the proposed acquisition is to be paid wholly out of the funds of the institution, it is difficult to say that it is paid out of the "public revenues"~~ -

(f) Again the fund of a Muz. temple cannot be said to be a ~~local~~ 'fund' controlled or managed by a 'local authority', for "local authority" as defined in the General Clauses Act means an authority like the Municipal Council, District Board or Village Panchayat, legally entitled to or entrusted by Govt with the control or management of a "local fund", ie a fund of a local area -

(g) If therefore the Compensation for the proposed acquisition is to be paid wholly out of the funds of the Muz. institution in question, it

Serial No.

125/Law

A

cannot be said to satisfy the necessary requirements of law as laid down in sec 6 cl (1) proviso - An easy way of getting over the technical difficulty would be to pay a part of the compensation amount out of either the general revenues of the state or ~~out of~~ the revenues of the concerned local authority -

Asst Secy, Muzarai Branch
- with compliments

VBY 31.10.30.

VS 1.11.30

1) Submitted with a collection therein in regd to Nandavanam formation of a road for conducting the car procession of Sri Kalahasti Sri Venkataramana Swami was sanctioned on the ground that an institution is a Muzrai Institution Subbaraidu an annual grant made in perpetuity from the Public Revenues.

Flag R.

Law Secy

For orders.

VS 5.11.30

If the case is to be, in any way or manner, out of the public revenue as such the legal requirement will be satisfied But when once the cash grant from Govt is used by the temple the amount ceases to be "public revenue", and it cannot be said

Serial No.

to retain that characteristic.
The suggestion at A so loves the Officers, the cash grant from Govt. be stopped in any year & the cost of acquisition met from the current

D.O.
21/11
VS

D/F. Submitted for consideration. In another connection a similar difficulty was felt. In that connection, the Member has directed that a contribution of Rs 50/- be given from Govt. grant of Rs 20,000/- vide para 20 of the notes & orders in Mem. 362-28-3 A 1931. Typed draft as per instructions is submitted

17/11 19/11/30

(1st Member)

VS
21.11.30

OFFICE OF THE FIRST MEMBER OF COUNCIL
21 NOV. 1930
No. 5278

C.S.
21/11

Issue
VS
24.11.30

No 1248 of 29.11.30 in the Mem. to the Commissioner Calicut for info. & issue to the Corporation.

General and Revenue Secretariat — File No. 135 of 1930.

Serial No

3 Letter no 45'2/30-31 & 27-12-30 from the Mysore Commissioner forwarding Copy of letter no A-C-L-A 14 & 15/12/30 from the Deputy Commissioner Kolar District and recommending the acceptance of the proposals made by the Deputy Commissioner

(1?) The proposal of the D.C. is to sanction for a year the cash grant of Rs 18/8 p.a payable to the temple of Sri Venkataramana Swamy at Guttahalli, The equivalent amount being paid out of the State fund Grant towards the cost of acquisitions.

(2) to be forwarded.

H Secy (3) 31.1.31

(4) The proposal may be approved

2nd member 2231

Dy (20-) 31/1/31

Secy

Action taken

in Issue

4.3.31

THE COUNCIL. 3 FEB. 1931 1140.m.

This is found to be Rs 18/8 as sanctioned from an printed register in the branch. This will however be verified & reported in due course.

G.S 31/1

G.S 31/1

G.S 4/3

Mug File No. 133 of 1930

Mysore Gazette forwarding the preliminary Notification therein referred to for publication.

No 1935/9 6 3 31 Notifying the acquisition of properties therein for the Mysore

Memo No 1935 of 6/3/31 to the Mysore Commissioner

Memo No 1756 of 6.3.31 to the Dept Commissioner Kolar with Encl.

Mysore Gazette of 26/3/31 pp. 242.

Kolar Gazette of 19.3. Page 264

D 16/5/31

1248 Therefore 8 29-11-30

To

The Muz. Commr. in Mysore.

Muz 135-30

Sir,

With reference to your Memo No.452 o 30-31 dated 24-9-30 forwarding letter No.A.6 L.A. 13 dated 4-9-30 from the D.C. Kolar in the matter of the acquisition of land for constructing dwelling houses for the temple servants of Sri Guttahalli Venkataramanaswami temple, I am directed to state that the L.A. Regn. requires that if the acquisition is to be considered as for a public purpose the cost of acquisition or a portion of it at least should be met from public revenues. I am accordingly to enquire if you are agreeable to meet the entire cost of acquisition or atleast a portion of it from the State Grant for construction and repairs of Muz. Institutions of any other source stopping the cash grant to the temple, if need be, proportionatel so that the cost of acquisition may be met from public revenues ~~so that the provisions of the Regulation may be complied with.~~ The records received with your letter ar are returned herewith.

I have &c.

2-1-11-30

~~Dew~~ Secy. to Govt.

J.R.G.

No. 452
30-B

Office of the Muzrai Commissioner for Coorg.
&
Dated Bangalore, 2nd December 1930.

27

28/1 From

GENL & REV SECTION
30 DEC 1930
931
MUZRAI.

To

The Secretary to the Government of India
Finance Department, Simla

Sir,

With reference to your letter No. F.-[illegible]-30
27/28th October 1930 [illegible]
[illegible] stating [illegible]
[illegible]

385

3. [illegible]

I have the honour to be,
Sir,
Your most obedient servant,

The connected File was linked with D.No 842 & submitted to the First Member of Committee on 2/1/31. This case can be worked up & issued on return of the Connected File

7.1.31

Restored to the Connected File

Jonnagaddala

Lett r o.No-L-1-14/30-31 dated 15th December 1930 from the Deputy Commissioner Kolar District to the Huzrai Commissioner Mysore.

With reference to your Memo No.452/30-31 dated 8th instant, requesting my opinion regarding the apportionment of the cost of acquiring S.No.49 of Bechiruk Venkatapur village for construction of dwelling houses for Sri Guttahalli Venkataramanaswami temple in the Bowringpet Taluk, I have the honor to state that cash grant to the temple which is Rs.18-8-0 per annum may be stopped for one year, an amount equal to it being paid out of state Huzrai Grant towards the cost of acquisition.

A recommendation may be kindly made to Government accordingly and the preliminary notifications caused to be issued for publication

Connected vernacular record is enclosed.

"C o p y"

for Huzrai Commissioner.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Dear Sir,
Vide your office letter no 4 S-2/30-3
dt 27/12/30 re: the acquisition
of certain lands for Gurukkal
Veedu at Arumanaiswami Temple

Asst Commr/Gen I.

Is the Cash grant to the
temple Rs 17/8 or Rs 18/8? Please
letters can now after verification
what is correct figure.

M.S.K.
Superintendent
Mutt. Bor

To
The Manager
Office of the Hindu Commissioner
Fort Complex

D

15/12/31

Mr. Thirunavukkarasu
Please furnish the
proper information.
OR
6/2

Dear Sir,

The information required
is noted in the margin.

Yours truly
J. Venkatapathy
Hindu Commissioner

To the Superintendent

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Dedn no 13: rock grant 17-8-0
1.4.32
" 17 Godhras 1-0-0
1.7.32
Total 18-8-0

G. R S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent .record]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W D 1660- GPI—1 50 000- 2 5 21

Re 1933/Mag 135-30-4
Enc 2

5th March 31.

The

Financial xxxxxxx

The Compiler,
Mysore Gazette.

I am directed to forward herewith for publication in the Gazette preliminary Notification in English and Kannada relating to the acquisition of property required for the construction of dwelling houses to the servants of the Sri Guttahalli Venkataramanaswami temple, Bowring-pet Taluk and to request you to be so good as to send 10 spare copies of the Notification in Kannada to the Kolar Sub-Division Officer, direct.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- B. Srinivasa Iyengar,
Secretary to Government,
Financial Department.

C.R.C.4

P.T.O

Memo No. 1935 dated, Bangalore, the 5th
5-3

Copy of the foregoing is forwarded with
to the Muzrai Commissioner, with reference
pondence ending with his letter No. 452 of 1
G. R. S. dated 27th December 1930.

By order,

[To be Sd/- B. Srinivasa Iyengar

Secretary to Government,
Financial Department.

Memo No. 1932 dated, Bangalore, the 5th March 1931.
5-3

Copies of the above ~~is~~ are forwarded with compliments to the Deputy Commissioner, Kolar District, with reference to his letter No. A-6/L.A.13 of 1930-31 dated 4th Sept. 1930. Records received with his letter are herewith returned. One year's Government cash grant to the Institution viz. Rs. 18-8-0 will be stopped and utilised towards the cost of the acquisition.

By order,

V Subramanya

for Secretary to Government
9-3 Financial Department

C.R.G.

N. B.- Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

W D 1880—GPI—1 50 000- 2 5 21

Dfr

RR 1933/ Rule 2 Deed Statements
Dated 6.3.1931
Leg 135-30-4.

To

The Compiler,
Mysore Gazette.

Sir,

I am directed to forward herewith for publication in the Gazette preliminary notification in English and Kannada relating to the acquisition of property required for ~~a public purpose viz.~~ for the construction of dwelling houses to the Servants of the Sri Gullahalli Vaishnavaswamy Devasthana Temple Bowringpet Tk and to request you to be so good as to send ~~20~~ 10 spare copies ~~each~~ of the Notification in ~~English and~~ Kannada to the ~~Deputy Commissioner,~~ Kolar. S.D.O ~~District.~~

I have the honor to be,
Sir,
Your most obedient servant,

4.3.31

~~For~~ ~~General~~ Secretary to Government.

E558

Memo No 1935 dy 6.3.31

Copy of the above to A-C with reference to his correspondence ending with his letter No 452/30-31 dy 27/12/30.

4.3.31

For Secretary

S-S

Memo No 1936 dy 6 3 31

Copy to A-C Kelan with reference to his letter No A-6-A 13/30-31 dy 4th Sept 1930 - Records received

"Letter are herewith returned. One year's leave

with the stopped & utilised towards the cost of the acquittance

4.3.31

For Secretary

SS 4/3

N. B - Should routine notes be written on small slips the notes must be copied or slips pasted on this form

W D 1560-GPI-1 60 000-2 5 21